

MEDICINE BOARD[653]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272C.4, the Board of Medicine hereby amends Chapter 14, "Iowa Physician Health Committee," Iowa Administrative Code.

Chapter 14 provides direction to the Iowa Physician Health Committee regarding the Iowa Physician Health Program. These amendments allow for the sharing of physician health program participant information with the Board if a participant's information held by the Physician Health Committee indicates that a significant risk to the public exists.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on May 5, 2010, as **ARC 8751B**. A public hearing was held on May 25, 2010, and comments were received from the Iowa Medical Society (IMS). The adopted amendments differ slightly from the Noticed amendments due to comments from the IMS and an Assistant Attorney General assigned to the Board.

The changes are as follows:

- In subrule 14.9(1), a cross-reference to Iowa Code section 272C.6(4) has been added.
- In subrule 14.9(4), the new language has been clarified by adding "reliable" and "reasonably" as follows:

"14.9(4) The IPHC is authorized to communicate information about an IPHP participant to the board if reliable information held by the IPHC reasonably indicates a significant risk to the public exists. If the board initiates disciplinary action based upon this information, the board may include information about a licensee's participation in the IPHP in the statement of charges, settlement agreement and final order, or order following hearing if necessary to address impairment issues related to the violations which are the subject of the disciplinary action."

The amendments were approved during a regularly scheduled Board meeting on June 11, 2010.

These amendments shall become effective August 4, 2010.

These amendments are intended to implement Iowa Code section 272C.4.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Ch 14] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 8751B**, IAB 5/5/10.

[Filed 6/11/10, effective 8/4/10]

[Published 6/30/10]

[For replacement pages for IAC, see IAC Supplement 6/30/10.]